

U.S. Application Serial No. 09/602,727

R E M A R K S

The present amendment is in response to the Official Action dated July 14, 2005, where the Examiner continues to reject pending claims 1-24, 26-32 and 34-42, based upon grounds for rejection, which includes the same base reference and several supplemental references, some of which are newly cited. In addition to the previously identified claim 25, the most recent action further indicates that claim 33 contains allowable subject matter. The Examiner has further indicated that claims 25 and 33 would be allowable, if the same were to be rewritten in independent form including all of the limitations of the base claims and any intervening claims. It is further noted that no specific objection has been articulated relative to claim 7. Consequently, it would appear that claim 7 additionally contains allowable subject matter.

More specifically relative to the rejections, the Examiner has rejected claims 1-6, 8-20, 26-32 and 35-42 as being unpatentable over Hyziak et al., U.S. Patent No. 6,125,279 in view of Sim, U.S. Published Patent Application No. 2003/0093167, and in the case of claim 2, further in view of Anvekar et al., U.S. Patent No. 6,377,805. However, even with the newly cited combination of references, the Examiner continues to misapply the references to the claims of the present application, where when one examines the alleged support, the relied upon teachings viewed in the proper context fail to support a proper rejection of the claims, relative to making known each and every feature of the claims, independent of whether one would have been led to combine the references as suggested by the Examiner.

In the case of each articulated rejection of the claims, Hyziak et al., '279, is commonly relied upon by the Examiner as the base reference as part of a combination of references. With respect to each of the articulated rejections, the Examiner has correctly identified that Hyziak et al., '279, minimally fails to make known or teach selectively assigning one mobile station among the plurality of mobile stations, each of which is capable of receiving radio communications directly from a remote radio (claim 1, 14, 18 and 26). Relative to claims 28 and 29, the Examiner continues to fail to even allege that the references teach each and every feature of the claims, where the Examiner fails to identify any teaching relative to "defining a local group of mobile stations in direct radio communication with one or more remote radios of a radio communication system" (claim 28) or "wirelessly communicating among a local group of

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electronic devices within local communication range of the other electronic devices within the local group and within direct radio communication range of a remote radio" (claim 29).

However, Sim, '167, does not make up for any of the above noted deficiencies. The applicant has reviewed the cited reference including the specific portion noted by the Examiner and the Examiner continues to appear to be taking the teachings out of context and/or misapplying the teaching, as the applicant can find no interpretation of the cited section, which supports the Examiner's position. Namely, in Sim, '167, while a grouping of portable modules can be defined, the reference fails to teach or suggest, where any one of the portable modules from the group are selectively assigned for receiving radio communications directly from the remote radio, which is intended for one or more of the plurality of mobile stations, and then transmitting a local communication, corresponding to the radio communication received from the remote radio, from the first mobile station to an intended recipient of the radio communication received from the remote radio.

In the case of Sim, '167, all members of the group continue to receive messages directly from the queue manager, which corresponds to the combination of the host computer and the base station. In other words, none of the portable modules are assigned to receive messages directly from the remote radio on behalf of the other portable modules, and then to forward a corresponding message to the intended recipient via local radio communication. Consequently, to the extent that Sim, '167, may teach or suggest a grouping of mobile stations, the reasons for such a grouping is unrelated to the claimed subject matter of the present application and more importantly the principal reference, thereby failing to provide any requisite teaching or suggestion to combine in a manner which is relevant to the claims. In other words, there is no motivation to group for purposes of assigning mobile stations to receive messages for other mobile stations and relay corresponding messages, in an environment where the mobile stations are capable of receiving the radio communications directly.

Relative to claims 21-25, the Examiner has rejected the claims as being unpatentable over Hyziak et al., U.S. Patent No. 6,125,279 in view of Nounin et al., U.S. Published Patent Application No. 2004/0224719. However, contrary to the Examiner's assertions the combination of references fails to make known or obvious each and every feature of the claims, where the Examiner minimally asserts that Hyziak et al., '279, minimally fails to teach selectively disabled

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direct communication with the remote radio. Contrary to the Examiner's assertions, Nounin et al., '719, fails to account for the asserted deficiency. Specifically, FIG. 2, which is the portion of the reference identified by the Examiner as supporting the rejection, illustrates a radio terminal, which includes a narrow band transceiver and a wideband receiver, but there is no teaching of selective disablement of direct communications, nor is there any teaching for a mobile radio to transmit information about the downlink radio transmission to the associated mobile station on a low power local radio link, when the intended recipient corresponds to an associated mobile station, which has selectively disabled direct communication with the remote radio.

It is inappropriate for the Examiner to piecemeal features together without regard to context in an attempt to make known or obvious a claim, hence the requirement for a teaching or suggestion to combine. The Examiner has failed to even to attempt to identify such a teaching or suggestion, which is consistent with the relative context. As a result, support of a rejection, which minimally meets prima facie requirements has not been presented.

While the above noted deficiencies have largely been directed to the rejections asserted relative to the independent claims, to the extent that the dependent claims, provide for additional features, which could only serve to further distinguish the particular claims relative to the references relied upon in support of the rejection, the same are believed to be allowable for at least the same reasons noted above with respect to independent claims.

In connection with the present response, clarifying amendments have been introduced into claims 1, 14 and 18. The amendments are believed to make the same more clear.

For reasons presented above, the applicant contends, that the claims are allowable over the prior art of record. Consequently, the applicant would request that the Examiner reexamine and reconsider the claims in view of the above noted reasons. Allowance of the application is respectfully requested.

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In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectfully requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,

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